

Antisezessionsgesetz

反分裂国家法¹

(中华人民共和国主席令第三十四号)

《反分裂国家法》已由中华人民共和国第十届全国人民代表大会第三次会议于2005年3月14日通过，现予公布，自公布之日起施行。

中华人民共和国主席 胡锦涛
2005年3月14日

反分裂国家法

第一条 为了反对和遏制“台独”分裂势力分裂国家，促进祖国和平统一，维护台湾海峡地区和平稳定，维护国家主权和领土完整，维护中华民族的根本利益，根据宪法，制定本法。

第二条 世界上只有一个中国，大陆和台湾同属一个中国，中国的主权和领土完整不容分割。维护国家主权和领土完整是包括台湾同胞在内的全中国人民的共同义务。

台湾是中国的一部分。国家绝不允许“台独”分裂势力以任何名义、任何方式把台湾从中国分裂出去。

第三条 台湾问题是中国内战的遗留问题。

解决台湾问题，实现祖国统一，是中国的内部事务，不受任何外国势力的干涉。

第四条 完成统一祖国的大业是包括台湾同胞在内的全中国人民

Anti-Secession Law²

(Order of the President of the People's Republic of China No. 34)

The Anti-Secession Law, adopted at the Third Session of the Tenth National People's Congress of the People's Republic of China on March 14, 2005, is hereby promulgated and shall go into effect as of the date of promulgation.

HU Jintao
President of the People's Republic of China
March 14, 2005

Anti-Secession Law

Art. 1 This Law is formulated, in accordance with the Constitution, for the purpose of opposing and checking Taiwan's secession from China by secessionists in the name of "Taiwan independence", promoting peaceful national reunification, maintaining peace and stability in the Taiwan Straits, preserving China's sovereignty and territorial integrity, and safeguarding the fundamental interests of the Chinese nation.

Art. 2 There is only one China in the world. Both the mainland and Taiwan belong to one China. China's sovereignty and territorial integrity brook no division. Safeguarding China's sovereignty and territorial integrity is the common obligation of all Chinese people, the Taiwan compatriots included.

Taiwan is part of China. The state shall never allow the "Taiwan independence" secessionist forces to make Taiwan secede from China under any name or by any means.

Art. 3 The Taiwan question is one that is left over from China's civil war of the late 1940s.

Solving the Taiwan question and achieving national reunification is China's internal affair, which subjects to no interference by any outside forces.

Art. 4 Accomplishing the great task of reunifying the motherland is the sacred duty of all Chinese people, the Taiwan compatriots

¹ http://www.chinacourt.org/flwk/show1.php?file_id=100223&str1=%B7%B4%B7%D6%C1%D1%B9%FA%BC%D2%B7%A8 (29.04.2005).

² http://www.chinadaily.com.cn/english/doc/2005-03/14/content_424643.htm (29.04.2005).

的神圣职责。

第五条 坚持一个中国原则，是实现祖国和平统一的基础。

以和平方式实现祖国统一，最符合台湾海峡两岸同胞的根本利益。国家以最大的诚意，尽最大的努力，实现和平统一。

国家和平统一后，台湾可以实行不同于大陆的制度，高度自治。

第六条 国家采取下列措施，维护台湾海峡地区和平稳定，发展两岸关系：

（一）鼓励和推动两岸人员往来，增进了解，增强互信；

（二）鼓励和推动两岸经济交流与合作，直接通邮通航通商，密切两岸经济关系，互利互惠；

（三）鼓励和推动两岸教育、科技、文化、卫生、体育交流，共同弘扬中华文化的优秀传统；

（四）鼓励和推动两岸共同打击犯罪；

（五）鼓励和推动有利于维护台湾海峡地区和平稳定、发展两岸关系的其他活动。

国家依法保护台湾同胞的权利和利益。

第七条 国家主张通过台湾海峡两岸平等的协商和谈判，实现和平统一。协商和谈判可以有步骤、分阶段进行，方式可以灵活多样。

台湾海峡两岸可以就下列事项进行协商和谈判：

（一）正式结束两岸敌对状态；

（二）发展两岸关系的规划；

（三）和平统一的步骤和安排；

（四）台湾当局的政治地位；

（五）台湾地区在国际上与其地位相适应的活动空间；

（六）与实现和平统一有关的其他任何问题。

included.

Art. 5 Upholding the principle of one China is the basis of peaceful reunification of the country.

To reunify the country through peaceful means best serves the fundamental interests of the compatriots on both sides of the Taiwan Straits. The state shall do its utmost with maximum sincerity to achieve a peaceful reunification.

After the country is reunified peacefully, Taiwan may practice systems different from those on the mainland and enjoy a high degree of autonomy.

Art. 6 The state shall take the following measures to maintain peace and stability in the Taiwan Straits and promote cross-Straits relations:

(1) to encourage and facilitate personnel exchanges across the Straits for greater mutual understanding and mutual trust;

(2) to encourage and facilitate economic exchanges and cooperation, realize direct links of trade, mail and air and shipping services, and bring about closer economic ties between the two sides of the Straits to their mutual benefit;

(3) to encourage and facilitate cross-Straits exchanges in education, science, technology, culture, health and sports, and work together to carry forward the proud Chinese cultural traditions;

(4) to encourage and facilitate cross-Straits cooperation in combating crimes; and

(5) to encourage and facilitate other activities that are conducive to peace and stability in the Taiwan Straits and stronger cross-Straits relations.

The state protects the rights and interests of the Taiwan compatriots in accordance with law.

Art. 7 The state stands for the achievement of peaceful reunification through consultations and negotiations on an equal footing between the two sides of the Taiwan Straits. These consultations and negotiations may be conducted in steps and phases and with flexible and varied modalities.

The two sides of the Taiwan Straits may consult and negotiate on the following matters:

(1) officially ending the state of hostility between the two sides;

(2) mapping out the development of cross-Straits relations;

(3) steps and arrangements for peaceful national reunification;

(4) the political status of the Taiwan authorities;

(5) the Taiwan region's room of international operation that is compatible with its status; and

(6) other matters concerning the achievement of peaceful national reunification.

第八条 “台独”分裂势力以任何名义、任何方式造成台湾从中国分裂出去的事实，或者发生将会导致台湾从中国分裂出去的重大事变，或者和平统一的可能性完全丧失，国家得采取非和平方式及其他必要措施，捍卫国家主权和领土完整。

依照前款规定采取非和平方式及其他必要措施，由国务院、中央军事委员会决定和组织实施，并及时向全国人民代表大会常务委员会报告。

第九条 依照本法规定采取非和平方式及其他必要措施并组织实施时，国家尽最大可能保护台湾平民和在台湾的外国人的生命财产安全和其他正当权益，减少损失；同时，国家依法保护台湾同胞在中国其他地区的权利和利益。

第十条 本法自公布之日起施行。

Art. 8 In the event that the "Taiwan independence" secessionist forces should act under any name or by any means to cause the fact of Taiwan's secession from China, or that major incidents entailing Taiwan's secession from China should occur, or that possibilities for a peaceful reunification should be completely exhausted, the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity.

The State Council and the Central Military Commission shall decide on and execute the non-peaceful means and other necessary measures as provided for in the preceding paragraph and shall promptly report to the Standing Committee of the National People's Congress.

Art. 9 In the event of employing and executing non-peaceful means and other necessary measures as provided for in this Law, the state shall exert its utmost to protect the lives, property and other legitimate rights and interests of Taiwan civilians and foreign nationals in Taiwan, and to minimize losses. At the same time, the state shall protect the rights and interests of the Taiwan compatriots in other parts of China in accordance with law.

Art. 10 This Law shall come into force on the day of its promulgation.